

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

**FILED**

**AUG 24 2012**

Clerk, U.S. District & Bankruptcy  
Courts for the District of Columbia

Marco Edmonds-El,

Petitioner,

v.

State of Maryland,

Respondent.


Civil Action No. **12 1407**

MEMORANDUM OPINION

Petitioner, proceeding *pro se*, has submitted a document captioned “Affidavit of Fact Writ of Habeas Corpus” and an application to proceed *in forma pauperis*. The Court will grant the application to proceed *in forma pauperis* and will dismiss the case for lack of jurisdiction.

The grounds of the petition are not clearly stated, but petitioner lists his address as the County Correctional Center in Upper Marlboro, Maryland, and he “demands [the writ] to void Judgment made by State of Maryland, Prince George’s County Department of Correction Detention Center.” Pet. at 1. The proper respondent in *habeas corpus* cases is the petitioner’s warden or immediate custodian, *Rumsfeld v. Padilla*, 542 U.S. 426, 439 (2004); *Blair-Bey v. Quick*, 151 F.3d 1036, 1039 (D.C. Cir. 1998), and “a district court may not entertain a habeas petition involving present physical custody unless the respondent custodian is within its territorial jurisdiction.” *Stokes v. U.S. Parole Commission*, 374 F.3d 1235, 1239 (D.C. Cir. 2004); *accord Rooney v. Secretary of Army*, 405 F.3d 1029, 1032 (D.C. Cir. 2005) (habeas “jurisdiction is proper only in the district in which the immediate, not the ultimate, custodian is located”) (internal citations and quotation marks omitted).

Since petitioner has not named a proper habeas respondent, who, in any event, would not be found in the District of Columbia, the Court will dismiss this action without prejudice to petitioner's filing of a proper action in the United States District Court for the District of Maryland.

  
United States District Judge

DATE: August 22<sup>nd</sup>, 2012